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EXAMINER

ROWAN, KURT C

ART UNIT

PAPER NUMBER

3643

DATE MAILED: 03/27/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.
09/982,635

Applicant(s)
MAGUIRE

Examiner
KURT ROWAN

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3643



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Dec 24, 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 3-19 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 3-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☒ The proposed drawing correction filed on 12-24-02 is: a) ☒ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____ 6) ☐ Other:

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DETAILED ACTION

Claim Rejections - 35 U.S.C. § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 3-7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 3-7 depend from canceled claim 2.

Claim Rejections - 35 U.S.C. § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 3-5, 10-13 are rejected under 35 U.S.C. 102(b) as being anticipated by Utsuno et al.

The patent to Utsuno shows a fishing rod in Figs. 1-2 having a plurality of line guides 60, a fishing line containment apparatus 62 installed through at least two of the line guides. The fishing line containment apparatus comprising an elongate tube. Utsuno shows two captivating devices 60

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which are taken to be the line guides at each end of the rod. Inherently the captivating devices 60 are detachably connected to each end of the elongate tube.

Claim Rejections - 35 U.S.C. § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 9, 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Utsuno et al.

The patent to Utsuno shows a fishing rod as discussed above. In reference to claims 9, 17, Utsuno does not show the line containment apparatus extending to the fishing reel, but it would have been obvious to extend the captivating device to the reel to prevent the line from snagging during transport.

7. Claims 6-7, 14-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Utsuno et al. as applied to claims 1 and 10, above, and further in view of Sousa..

The patents to Utsuno and Sousa show fishing rods. Utsuno has been discussed above and does not show exterior rings on the ferrule 60. The patent to Sousa shows a fishing rod having a captivating device 328 in Figs. 8-9 having ferrule 328 with rings 22' on the exterior surface. The ferrule has a shoulder with hook portions 330 on an end thereof. In reference to claims 6, 14, it

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would have been obvious to provide Utsuno with ferrules as shown by Sousa for the purpose of guiding the line into the line guides to signal a bite to the angler. In reference to claims 7 and 15, Sousa shows the diameter of the shoulder being somewhat larger than the fishing rod line guides.

8. Claims 8, 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Utsuno et al. as applied to claims 1, 10, 18 above, and further in view of Barnett.

The patent to Utsuno shows a fishing rod having a fishing line containment apparatus as discussed above. Utsuno does not show a lead line. The patent to Barnett shows a fishing rod 1 having an elongate tube 2 with a lead line 40 in Fig. 16 for threading the fishing line 9. It would have been obvious to provide Utsuno with a lead line as shown by Barnett for the purpose of threading the fishing line.

9. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bahn for substantially the same reasons as discussed in the first Office Action.

10. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bahn as applied to claim 18 above, and further in view of Barnett for substantially the same reasons as discussed in reference to the first Office Action.

Response to Arguments

11. Applicant's arguments with respect to claims 1, 3-17 have been considered but are moot in view of the new ground(s) of rejection.

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12. Applicant's arguments filed Dec 24, 2002 have been fully considered but they are not persuasive. In reference to claim 18, Applicant argues that Bahn neither teaches, discloses or suggests the invention. Applicant further states that placing the pivotal arm 17 and tube 21 at each end would make Bahn unworkable. However, this is not seen to be the case since the arm and tube would align with bends in the rod to allow the line to enter the tube at a better angle to reduce friction between the line and the guide and the rod surface would limit rotation of the arm and tube at any rate.

Conclusion

13. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

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14.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **KURT ROWAN** whose telephone number is (703) 308-2321.

The examiner can normally be reached on Monday-Thursday from 6:30 a.m. to 5:00 p.m.

The fax phone number for the organization where this application or proceeding is assigned is (703) 306-4195 or (703) 305-3597.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.



KURT ROWAN

PRIMARY EXAMINER

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March 23, 2003